

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6499

BILL NUMBER: SB 174

NOTE PREPARED: Dec 7, 2006

BILL AMENDED:

SUBJECT: Smoke Detectors.

FIRST AUTHOR: Sen. Jackman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person other than a landlord who fails to install or properly maintain a functional smoke detector in a dwelling commits a Class D infraction. The bill also provides that a landlord who fails to install or properly maintain a functional smoke detector in a dwelling commits: (1) a Class A infraction; or (2) a Class D felony if bodily injury or death occurs.

Effective Date: July 1, 2007.

Explanation of State Expenditures: Under current law, any dwelling owner, manager, or rental agent who fails to place and maintain functional smoke detectors as required by IC 22-11-18-3.5 is subject to a Class D infraction. Under the bill, landlords are exempt from this violation, but are instead subject to a Class A infraction or Class D felony (if bodily injury or death occurs) for failing to install or properly maintain functional smoke detectors in a dwelling.

Class D Felony: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,734 in FY 2006. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,139. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Class D Felony:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine

for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Infraction: There are no data available to indicate how many people are charged with failing to install or maintain a smoke detector or how many of those cited are landlords. Revenue to the state General Fund could increase if an infraction is changed from Class D to Class A. The maximum judgment for a Class D infraction is \$25, while the maximum judgment for a Class A infraction is \$10,000. Proceeds from infraction judgments are deposited in the state General Fund. No additional revenue would be expected from court fees since the court fees are \$70 for both infraction types.

Explanation of Local Expenditures: *Class D Felony:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Class D Felony:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

Infraction: No additional revenue would be expected from court fees since the court fees are \$70 for both infraction types.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.